

Appl. No. 10/713,369  
Amdt. dated Jun 8, 2005  
Reply to Office Action of Mar. 8, 2005

### **REMARKS/ARGUMENTS**

Claims 1-20 are currently pending in the application. Claim 16 is hereby cancelled without prejudice. Claim 21 has been added in exchange for cancelled claim 16. Applicant respectfully submits that the foregoing amendments to the claims are supported in the application as originally filed and that no new matter has been added. It is believed that no fees are due at this time. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

#### ***Claim Rejections under 35 U.S.C. § 102(e)***

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (US 2004/0225672 A1) (hereinafter referred to as "Johnson"). For anticipation, a single reference must identically disclose every element of the claimed invention. *Corning Glass Works v. Sumitomo Electric*, 9 USPQ 2d 1962, 1965 (Fed. Cir. 1989). A reference that excludes a claimed element, no matter how insubstantial or obvious, is enough to negate anticipation. *Cornell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Applicant respectfully submits that claims 1-15 and 17-21, as amended, are not anticipated by Johnson and are, therefore, allowable under 35 U.S.C. § 102(e) for the reasons stated below.

#### ***Claims 1, 12 and 20***

The Office stated that Johnson, in part, discloses a closed loop data structure in the sense that they are linked together (FIGS. 1A-1 and 1A-2) and hierarchical fields in the sense that they are organized with a main header (such as lighting 17) which is associated with subcategories. The Office also stated with respect to claim 11 that Johnson discloses a business rule that dictates that the information in the data field is used for a business goal (energy management, paragraph [0032], lines 1-3).

Applicant respectfully submits that Johnson does not disclose a database wherein all the records are linked together in a closed-loop hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset related items are interconnected and how one or more users use the assets and asset related items as recited in claims 1, 12 and 20, as amended. For example, the data structure disclosed in Johnson is not hierarchical because it contains a collection of equipment, assets or relevant site characteristics that are not interconnected: building data 11 is not in a hierarchical relationship with HVAC data 13 or refrigeration data 15; HVAC data 13 is not in a hierarchical relationship with building data 11 or refrigeration data 15; and refrigeration data 15 is not in a hierarchical relationship with building data 11 or HVAC data 13. (*see* Figures 1A-1 and 1A-2; paragraph [0028], [0032]). Johnson's use of various main headers (*e.g.*, lighting 17 or building controls 19) within the categories (*e.g.*, building 11, HVAC 13 or refrigeration data 15) does not link all records

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to one another in a closed-loop hierarchical manner as recited in claims 1, 12 and 20, as amended. Furthermore, Johnson does not disclose that all the records are linked together in a closed-loop manner because, as previously discussed, Johnson does not require that all the elements be linked to one another. In addition, a mere linkage of the elements in Johnson does not represent a closed-loop system. As a result, Johnson does not disclose a database wherein all the records are linked together in a closed-loop hierarchical manner as recited in claims 1, 12 and 20, as amended. Accordingly, applicant respectfully submits that claims 1, 12 and 20, as amended, are not anticipated by Johnson and are, therefore, allowable under 35 U.S.C. § 102(e). Applicant respectfully requests that the rejection of claims 1, 12 and 20, as amended, be withdrawn.

In addition, the business rules disclosed in Johnson are not rules; they are goals related to the scope of the survey or reasons for performing the survey (e.g., perform energy management). (see paragraph [0028], [0032]). Moreover, the business goals disclosed in Johnson do not define: (1) how the assets and asset related items are interconnected; or (2) how one or more users use the assets and asset related items. The business goals of Johnson do not define any interconnection. Similarly, the business goals of Johnson do not define any relationship to people (users). As a result, Johnson does not disclose a database wherein all the records are linked together in a closed-loop hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset related items are interconnected and how one or more users use the assets and asset related items as recited in claims 1, 12 and 20, as amended. Accordingly, applicant respectfully submits that claims 1, 12 and 20, as amended, are not anticipated by Johnson and are, therefore, allowable under 35 U.S.C. § 102(e). Applicant respectfully requests that the rejection of claims 1, 12 and 20, as amended, be withdrawn.

Moreover, applicant respectfully submits that claims 1, 12 and 20 are also patentable over Johnson either alone or in combination with the cited references under 35 U.S.C. § 103 because the deficiencies of Johnson cannot be cured by obvious modifications to Johnson made by those skilled in the art or by the applied disclosure or teachings of the cited references. Accordingly, applicant respectfully submits that claims 1, 12 and 20, as amended, are allowable under 35 U.S.C. § 103.

#### *Claim 7*

Applicant respectfully submits that claim 7, as amended, is also allowable because Johnson does not disclose that the asset related items comprise one or more contracts. Claim 7, as amended, is, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claim 7, as amended, be withdrawn.

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***Claim 8***

Applicant respectfully submits that claim 8, as amended, is also allowable because Johnson does not disclose that the asset related items comprise documentation. Claim 8, as amended, is, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claim 8, as amended, be withdrawn.

***Claim 9***

Applicant respectfully submits that claim 9, as amended, is also allowable because Johnson does not disclose that the asset related items comprise one or more financials. Claim 9, as amended, is, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claim 9, as amended, be withdrawn.

***Claim 11***

Applicant respectfully submits that claim 11, as amended, is also allowable because Johnson does not disclose that the one or more business rules of the infrastructure also define how one or more users use the information stored in the one or more data fields associated with the assets and asset related items. Claim 11, as amended, is, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claim 11, as amended, be withdrawn.

***Claims 2-11, 13-15, 17-19 and 21***

Applicant respectfully submits that claims 2-11, 13-15, 17-19 and 21 depend from claims 1, 12 and 20, as amended, which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-11, 13-15, 17-19 and 21 are, therefore, allowable under 35 U.S.C. §§ 102(e) and 103. Accordingly, applicant respectfully requests that the rejection of claims 2-11, 13-15, 17-19 and 21, as amended, be withdrawn.

***Conclusion***

Applicant respectfully submits that claims 1-15 and 17-21, as amended, are fully patentable. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is

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required, it is requested that the examiner contact the undersigned at the telephone number listed below.

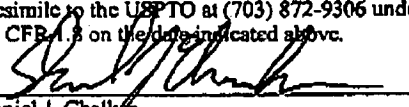
Respectfully submitted,

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Date of Transmission: June 8, 2005
I certify that this paper is being transmitted via facsimile to the USPTO at (703) 872-9306 under 37 CFR 1.8 on the date indicated above.

Daniel J. Chalker